

1 Elmer Stewart Rhodes, Pro Hac Vice, Montanan Bar
No. 8128
2 **LAW OFFICE OF ELMER STEWART**
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6 || Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

9 || Michael Allen Roth,

NO. 2:12-cv-02698-SLG

10 Plaintiff,

**Unopposed Motion by Plaintiff's Attorney
Elmer Stewart Rhodes to Withdraw Appearance
as Attorney**

V.

12 Town of Quartzsite; Jeff Gilbert and
13 Sondra Gayle Gilbert, husband and
14 wife; Officer Fabiola Garcia, #42, and
John Doe Garcia, Wife and Husband;
Individual Does I-X,

(First Request)

15 Defendants.

16 COMES NOW Plaintiff's attorney, Elmer Stewart Rhodes,
17 and moves this Court to withdraw attorney's appearance as
18 attorney for Plaintiff in this case, for good cause shown
19 below. The name, last known residence and last known
20 telephone number of the client, is:
21

22 Name of Client: Michael Allen Roth

23 || Residential Address:

Residential Add'l
55 E. Kuehn Rd.

24 55 E. Kuehn Rd.
Quartzsite, Arizona 85346

(as with all residences in Quartzsite, no mail is delivered to the residence, and all mail is delivered to a PO box instead).

Mailing Address

Manning River
PO Box 422

PO Box 422
Quartzsite, AZ 85346

1 Phone: 928-927-8888
2
3

4 The causes compelling and requiring this withdrawal are
5 that counsel's family has suffered multiple family tragedies
6 which have been devastating for counsel and his family and
7 have exponentially increased his family obligations.
8

9 Counsel now has to care for his brain injured adult sister
10 after her daughter (Counsel's niece) was seriously injured and
11 disfigured in a car accident in late April, 2013, in Nevada,
12 wherein she lost an ear, among other severe injuries. Because
13 of Counsel's niece's severe injuries, ongoing reconstructive
14 surgery, and subsequent unemployment, she was unable to
15 continue to care for her brain injured mother, and Counsel
16 has had to assume those considerable responsibilities of
17 caring for his brain injured adult sister, who now lives full-
18 time with Counsel and his family in Montana.
19

20 Further, Counsel's elderly Mother-in-Law is very ill and
21 has been hospitalized multiple times in the past four months.
22 This has been very trying on Counsel's family, and it is now
23 apparent that Counsel and his wife will have to provide end-
24 of-life care to Counsel's Mother-in-Law.
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1 Both of these events have placed tremendous,
2 overwhelming time and emotional burdens on Counsel and his
3 family. All of this comes after Counsel and his wife suffered
4 the loss of their baby the year before. The stress and strain
5 on Counsel and his family has taken a serious toll, with
6 Counsel's family responsibilities and grief seriously
7 affecting his legal practice over the past year, and especially
8 over the past several months, and Counsel does not believe he
9 can effectively represent Plaintiff, Mr. Roth, under these
10 circumstances. Counsel needs to reduce his workload so that
11 he can focus on caring for his family and believes it is in the
12 best interest of Plaintiff Michael Roth that he obtains new,
13 local counsel who can commit more time to Plaintiff's case.
14

15 Counsel will also be withdrawing from a related case
16 filed on behalf of Plaintiff, Civil Action No. 2:12-cv-01268-
17 SLG, and will be confining his legal work to Montana.
18

19 Counsel has served the attached written notice of
20 withdrawal on his client, Michael Roth, and also on counsel
21 for the Defendants. Mr. Roth has expressed his consent to
22 this withdrawal by means of a telephone call and email on
23 December 10, 2013, and defense counsel has stated that they
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1 do not oppose this motion.

2 Counsel's notice of withdrawal includes a warning to his
3 client that the client is personally responsible for complying
4 with all court orders and time limitations established by any
5 applicable rules, and encourages the client to find new
6 counsel as soon as possible.
7

8 WHEREFORE Plaintiff's Counsel, Elmer Stewart Rhodes,
9 prays that this Court grant his motion and enter its order
10 withdrawing his appearance in this case.
11

12 13 RESPECTFULLY SUBMITTED this 3rd day of January, 2014.

14 By /s/Elmer Stewart Rhodes
15 Elmer Stewart Rhodes
16 432 E. Idaho St., Suite C-231
Kalispell, Montanan 59901
Attorney for Plaintiff

17 18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on the 3rd day of January, 2014, I electronically transmitted
20 the foregoing document to the Clerk's Office using the CM/ECF System for filing and
21 transmittal of a Notice of Electronic filing to the following CM/ECF registrants:

22 Lisa S. Wahlin, State Bar No. 013979
23 Of Counsel
RYLEY CARLOCK & APPLEWHITE
24 One N. Central Avenue, Suite 1200
25 Phoenix, Arizona 85004
Tel: (602) 440-4892
Fax: (602) 257-6992
Email: lwahlin@rcalaw.com
26 Attorneys for Defendants

27 28 By /s/Elmer Stewart Rhodes